

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

24736

FILE: B-211191**DATE:** April 6, 1983**MATTER OF:** Realist**DIGEST:**

Where neither the Small Business Act nor applicable regulations mandate that a particular procurement be set aside for small business concerns, the matter of whether a particular procurement should be set aside is one within the discretion of the contracting agency.

Realist protests the General Services Administration's (GSA) failure to set aside exclusively for small business participation solicitation No. FGE-B9-75246-N, issued to obtain microfiche readers. Realist asserts that the procurement for these supplies had previously been set aside for small businesses. We summarily deny the protest.

Except for certain small purchases, neither the Small Business Act, 15 U.S.C. §§ 631 et seq., nor the Federal Procurement Regulations (FPR) mandate that any particular procurement be set aside for small businesses. A and W Products, B-207063, April 27, 1982, 82-1 CPD 394. (Unlike Defense Acquisition Regulation § 1-706.1(f), the FPR provisions do not require a continued set-aside for future purchases by the same contracting office once the product or service has been provided successfully on the basis of a small business set-aside.) Thus, while the Government's policy is that a fair proportion of purchases be placed with small businesses, the matter of whether a particular procurement should be set aside is one within the discretion of the contracting agency. Home Therapy Equipment, Inc., B-207714, June 14, 1982, 82-1 CPD 579. Therefore, we cannot legally object to the GSA's failure to set aside this procurement.

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The protest is denied.

for *Milton J. Aorlan*
Comptroller General
of the United States